THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 26004 OF 2007

DATED: 10-12-2007

Between:

Uppalapati Venkata Subba Raju
S/o.Veeravenkata Satyanarayana Raju

… Petitioner

And

The District Collector,
Krishna, Machilipatnam
and two others

… Respondents

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 26004 OF 2007

ORDER:

The petitioner, who claimed to be the owner and possessor of land admeasuring about Ac.1.70 cents in R.S.No.69 of Sobhanadripuram village, Mandavalli Mandal, Krishna District, filed this writ petition aggrieved by the orders, dated 10-08-2007 passed in proceedings R.C.No.187/2007 by the third respondent.

The third respondent-Tahsildar(Mandal Revenue Officer), Mandavalli, Mandavalli Mandal, Krishna District passed orders of eviction against the petitioner in exercise of powers under sub-sections (1) and (2) of Section 3 of A.P. Assigned land(Prohibition of Transfers) Act, 1977(for short 'the Act') as amended by Act 8 of 2007. Aggrieved by the orders of eviction, the petitioner has preferred an appeal under Sec.4-A of the Act before the second respondent-Revenue Divisional Officer on 12-11-2007. On the ground that in spite of pendency of the appeal, steps are being taken by the respondents for eviction of the petitioner, he approached this Court.

It is submitted by the learned counsel for the petitioner that the land in question was not at all assigned land and there is no violation of the provisions of the Act, and the petitioner questioned the authority and jurisdiction of the Tahsildar in passing the order of eviction.

As against the order dated 10-08-2007 passed in proceedings R.C.No.187/2007 by the third respondent, the petitioner has already approached the appellate authority by filing the appeal on 12-11-2007, it is not desirable to record any finding on merits of the case. As much as it is stated that the petitioner is in continuous possession of the said land and there are standing crops in the aforesaid land, I deem it appropriate to dispose of the writ petition directing the second respondent-appellate authority to dispose of the appeal preferred by the petitioner on 12-11-2007 as expeditiously as possible. It is further directed that the order of eviction passed by the Tahsildar on 10-08-2007 in R.C.No.187/2007 shall not be enforced till the disposal of the appeal and respondents are further directed to allow the petitioner to cultivate the land in question till such time.

Subject to the above directions, writ petition is disposed of. No order as to costs.

_____

R. SUBHASH REDDY, J.

Dt: 10-12-2007

Note:

Issue C.C.within two days.

B/o.

Rns

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 26004 OF 2007

Dated: 10-12-2007

RNS